

# Media Statement



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**TO: ALL MEDIA**

**DATE: 12 OCTOBER 2018**

**RE: MAN SENTENCED TO TWO LIFE TERMS AFTER A RETRIAL WAS ORDERED BY SCA**

Fourteen years after the Supreme Court of Appeal (SCA) ordered the Johannesburg High Court to conduct a retrial of State versus Sebastian Jossie Dladla, the court rejected the so called 'new and further evidence' and sentenced Dladla to 2 life sentences plus 21 years imprisonment.

The above-mentioned court imposed the same sentence to Dladla on 01 December 2004 for the murder of Lancelot Zungu who was killed by the accused and his accomplices after robbing him of his minibus in the same year. The court further sentenced Dladla for the murder of his accomplice, Ekha Moyo, whom he killed after an altercation over the robbed minibus. Dladla then approached the SCA with an application for leave to appeal which was granted in 2016, with the order that the matter be referred to the Full Court of the Gauteng Local Division High Court.

In his application, Dladla stated that further evidence in the form of affidavits, that he alleged belonged to Tshepo Sipho Mkwana (his former co-accused) would presumably be accepted as true and that such evidence could reasonably lead to a different verdict. A further explanation for failing to produce the evidence during his initial trial was contained in his application. As directed by the Full Court, a second trial was held wherein the state had proven beyond reasonable doubt that Mkwana knew nothing about the affidavits and that they were fabricated to obtain the release of Dladla from prison.

The SCA and the Full Court reasonably believed that if indeed, Mkwana had made the affidavits, the court would have arrived at a different verdict. Since the court established the exact opposite, it therefore dismissed 'the new evidence' as a fabrication.

The accused failed to prove the authenticity of the affidavits by calling witnesses. Contained in these affidavits was information stating that it was only Mokwana that killed the two deceased, and that the witnesses were paid by one Percy Mashiane to falsely implicate the accused.

Senior State Advocate, Lethabo Mashiane submitted that the accused's second case was no different from his first case and therefore there was nothing persuading the court not to impose the sentence imposed in the first trial. He further argued that, though the accused has been in custody for 16 years, there were no signs of rehabilitation as Dladla used that period to invent the evidence in order to try to manipulate the justice system by bringing the fabricated affidavits.

Kind Regards,

**Hurbetin Phindi Louw Mjonondwane**

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